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*Attorney for Defendant*

**In the United States District Court  
For the District of Montana  
Billings Division**

United States of America,  Plaintiff,  -vs-  Gregory Richard Boyd,  Defendant.	Cause No. CR 20-121-BLG-DLC  <b>Defendant's Opposed Motion to Dismiss</b>
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*Motion*

Through counsel, Gregory Boyd moves this Court to dismiss the Indictment against him in this matter on the grounds that the offense for which he is charged, *18 U.S.C. 922(g)(1)*, is both facially unconstitutional and unconstitutional as applied following the United States Supreme Court's decision in *New York State Rifle & Pistol*

*Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022) (*Bruen*).

This Motion is **opposed** by the Government.<sup>1</sup>

Further argument and authority for this motion is set forth in the Brief in Support filed contemporaneously with this Motion.

Respectfully submitted this 15th day of November 2022.

/s/ Colin M. Stephens  
Colin M. Stephens  
STEPHENS BROOKE, P.C.  
Attorney for Boyd

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<sup>1</sup>For the Court's reference, a motion similar to this one was filed in *United States v. Butts*, CR 22-33-M-DWM. The Hon. Donald W. Molloy denied the motion October 31, 2022. (Dkt. 33)

Certificate of Service

I, Colin M. Stephens, do hereby certify that a true and correct copy of the foregoing was served upon the following by the means indicated below.

Timothy Tatarka. . . . . CM/ECF  
Assistant United States Attorney

Gregory Boyd . . . . . U.S. Mail  
Defendant  
Roosevelt County Detention Center  
415 2<sup>nd</sup> Ave  
Wolf Point, MT 59201

Dated this 15<sup>th</sup> day of November 2022.

/s/ Colin M. Stephens  
Colin M. Stephens  
STEPHENS BROOKE, P.C.  
Attorney for Boyd